

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY MARCH 8, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 24

Introduced by Assembly Member Maze

December 6, 2004

~~An act to amend Section 4800 of, and to add Section 4810 to, the Fish and Game Code, relating to mountain lions.~~ *An act to amend Sections 2786 and 2787 of, and to add Sections 4801.1, 4801.2, 4801.3, and 4801.4 to, the Fish and Game Code, and to amend Section 8 of the California Wildlife Protection Act of 1990, relating to mountain lions, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 24, as amended, Maze. Mountain lions: license tags.

Proposition

(1) Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. The act protects the mountain lion (genus *Felis*) under the laws of this state but does not prohibit the sale or possession of any mountain lion or any part or product thereof, if the owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990. The act authorizes any person, or the employee or agent of a person, whose livestock or other property is being or has been injured, damaged, or destroyed by a mountain lion to request a permit to take the mountain lion, as provided. *The act creates the Habitat Conservation Fund, a continuously appropriated special fund, to be used for specified purposes relating to wildlife conservation.* The act prohibits the

Legislature from changing the special protection of ~~that mammal~~ the mountain lion except by a $\frac{4}{5}$ vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act. *The act also prohibits the Legislature from reallocating funds from the Habitat Conservation Fund.*

This bill would amend provisions of the act to permit the Legislature to reallocate funds from the Habitat Conservation Fund for specified new purposes, thereby making an appropriation. The bill would permit the rightful owner of any small domestic pet, large domestic pet, or livestock, that has been injured or killed, any person who has been injured by a mountain lion, and the spouse or dependent child or children of any person who has been killed by a mountain lion, on or after January 1, 1996, as verified by a warden of the department, to apply to the Victim's Compensation Program for reasonable compensation from the Habitat Conservation Fund, as specified. The bill would require the Department of Fish and Game to compensate those victims and would require the Victim's Compensation Board to determine the amount of compensation to be awarded.

The bill would require the department to request the University of California to conduct a study, to be paid for out of the Habitat Conservation Fund, relating to mountain lions, and to establish a clearinghouse of information that reports mountain lion attacks on humans, pets, and livestock. The bill would require each county health department, each county agriculture commissioner, and the State Department of Health Services to report mountain lion attacks to the University of California. The bill would reimburse the county health departments, State Department of Health Services, and county agriculture commissioners for the costs of reporting, to be paid from the Habitat Conservation Fund.

The bill would require the department to post appropriate signs, to be paid for from the Habitat Conservation Fund, in areas where mountain lions are known to have existed or been spotted, and would require the department to issue a depredation permit to take a mountain lion in specified circumstances. The bill would permit the department to contract with an animal tracker to track and kill mountain lions, and to pay for those contractual expenses from funds in the Habitat Conservation Fund, as specified.

The bill would also make technical, conforming changes to the act.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the

state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

~~This bill would require the Department of Fish and Game to annually conduct a statewide lottery for the issuance of 116 license tags for the hunting and killing of mountain lions. The bill would specify the eligibility requirements for participation in the lottery. The bill would permit a license tag holder to use no more than 3 dogs to hunt mountain lions during the open season, and would specify that the open season for the hunting of mountain lions is all year. The bill would also require the Fish and Game Commission to establish, by regulation, mountain lion hunting zones throughout California and the number of tags to be issued for each zone. The bill would require the commission to prohibit the taking of mountain lion cubs and female mountain lions accompanied by mountain lion cubs and to determine, by regulation, the definition of a mountain lion cub for purposes of the prohibition. The bill would permit the sale or possession of any mountain lion or any part or product thereof, if the mountain lion was taken in accordance with its provisions.~~

Vote: $\frac{4}{5}$. Appropriation: ~~no~~yes. Fiscal committee: yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 4800 of the Fish and Game Code is~~
- 2 ~~amended to read:~~
- 3 ~~SECTION 1. Section 2786 of the Fish and Game Code is~~
- 4 ~~amended to read:~~
- 5 2786. Except as otherwise expressly provided in paragraph
- 6 (3) of subdivision (a) *and subdivision (e)* of Section 2787, the
- 7 money in the Habitat Conservation Fund, which is hereby
- 8 created, shall be used for the following purposes:
- 9 (a) The acquisition of habitat, including native oak woodlands,
- 10 necessary to protect deer and mountain lions.
- 11 (b) The acquisition of habitat to protect rare, endangered,
- 12 threatened, or fully protected species.

1 (c) The acquisition of habitat to further implement the Habitat
2 Conservation Program pursuant to Article 2 (commencing with
3 Section 2721) excepting Section 2722 and subdivision (a) of
4 Section 2723, and Sections 2724 and 2729.

5 (d) The acquisition, enhancement, or restoration of wetlands.

6 (e) The acquisition, restoration, or enhancement of aquatic
7 habitat for spawning and rearing of anadromous salmonids and
8 trout resources.

9 (f) The acquisition, restoration, or enhancement of riparian
10 habitat.

11 *SEC. 2. Section 2787 of the Fish and Game Code is amended*
12 *to read:*

13 2787. Notwithstanding Section 13340 of the Government
14 Code, the money in the fund is continuously appropriated,
15 without regard to fiscal years, as follows:

16 (a) To the Department of Parks and Recreation, four million
17 five hundred thousand dollars (\$4,500,000) annually for
18 allocation as follows:

19 (1) One million five hundred thousand dollars (\$1,500,000) for
20 projects that are located in the Santa Lucia Mountain Range in
21 Monterey County for expenditure by the Department of Parks
22 and Recreation and for grants to the Monterey Peninsula
23 Regional Park District.

24 (2) One million dollars (\$1,000,000) for acquisitions in, and
25 adjacent to, units of the state park system.

26 (3) Two million dollars (\$2,000,000) for 50 percent matching
27 grants to local agencies for projects meeting the purposes
28 specified in Section 2786 and, additionally, for the acquisition of
29 wildlife corridors and urban trails, nature interpretation
30 programs, and other programs which bring urban residents into
31 park and wildlife areas. The grants made pursuant to this
32 subdivision are subject to the conditions of subdivision (d) of
33 Section 5910, and Sections 5917 and 5919, of the Public
34 Resources Code, as nearly as may be practicable.

35 (b) To the State Coastal Conservancy, four million dollars
36 (\$4,000,000) annually.

37 (c) To the Santa Monica Mountains Conservancy, five million
38 dollars (\$5,000,000) annually for the next 10 fiscal years,
39 commencing with the 1990–91 fiscal year. The money shall be
40 used for the purposes specified in Section 2786 for wildlife

habitat, and for related open-space projects, within the Santa Monica Mountains Zone, the Rim of the Valley Corridor, and the Santa Clarita Woodlands. Of the total amount appropriated pursuant to this subdivision, not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Susana Mountains and the Simi Hills, and not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Clarita Woodlands. These funds shall be expended in accordance with Division 23 (commencing with Section 33000) of the Public Resources Code during the operative period of this section as specified in subdivision (f) and in Section 2797. The Legislature may, by statute, extend the period for expenditure of the funds provided by this paragraph.

(d) To the California Tahoe Conservancy, five hundred thousand dollars (\$500,000) annually.

(e) (1) *To the department to pay the costs of awards as determined by the Victim's Compensation Board pursuant to Section 4801.1, a sum not to exceed _____ dollars (\$_____).*

(2) *To the department, a sum not to exceed one million dollars (\$1,000,000). These funds shall be expended for payment to counties, the State Department of Health Services, and the University of California for the reports requested pursuant to Section 4801.2.*

(3) *To the department for the posting of signs pursuant to Section 4801.3, a sum not to exceed _____ dollars (\$_____).*

(4) *To the department, a sum not to exceed _____ dollars (\$_____). These funds shall be expended to contract for the pursuit and depredation taking of mountain lions pursuant to Section 4801.4.*

(f) To the board, the balance of the fund.

~~(f)~~

(g) This section shall become operative on July 1, 1990, and, as of July 1, 2020, is repealed, unless a later enacted statute, which becomes effective on or before July 1, 2020, deletes or extends that date.

SEC. 3. *Section 4801.1 is added to the Fish and Game Code, to read:*

4801.1. (a) *The rightful owner of any small domestic pet that has been injured or killed by a mountain lion on or after January 1, 1996, as verified by a warden of the department, may apply to*

1 *the Victim's Compensation Program for reasonable veterinary*
2 *expenses for the treatment of the pet, and compensation of up to*
3 *one thousand five hundred dollars (\$1,500) if the pet dies as the*
4 *result of the mountain lion attack.*

5 *(b) The rightful owner of any large domestic pet that has been*
6 *injured or killed by a mountain lion on or after January 1, 1996,*
7 *as verified by a warden of the department, may apply to the*
8 *Victim's Compensation Program for reasonable veterinary*
9 *expenses for the treatment of the pet, and compensation of up to*
10 *seven thousand dollars (\$7,000) if the pet dies as the result of the*
11 *mountain lion attack.*

12 *(c) The rightful owner of any commercial animal that has been*
13 *injured or killed by a mountain lion on or after January 1, 1996,*
14 *as verified by a warden of the department, may apply to the*
15 *Victim's Compensation Program for reasonable veterinary*
16 *expenses for the treatment of the commercial animal, and*
17 *compensation of up to twelve thousand five hundred dollars*
18 *(\$12,500), if the animal dies as the result of the mountain lion*
19 *attack.*

20 *(d) Any person who has been injured by a mountain lion on or*
21 *after January 1, 1996, or the spouse, or the dependent child or*
22 *children of any person who has been killed by a mountain lion,*
23 *as verified by a warden of the department, may apply to the*
24 *Victim's Compensation Program for all reasonable medical,*
25 *physical, and psychological costs incurred by that injured person*
26 *up to two hundred thousand dollars (\$200,000), and*
27 *compensation of up to one million dollars (\$1,000,000) if the*
28 *person dies as the result of the mountain lion attack.*

29 *(e) All awards authorized by this section shall be paid out of*
30 *the Habitat Conservation Fund established pursuant to Section*
31 *2786. The Victim's Compensation Board shall determine the*
32 *amount of compensation to be awarded and to be paid by the*
33 *department pursuant to paragraph (1) of subdivision (e) of*
34 *Section 2787. If the person who has been injured or killed by a*
35 *mountain lion was insured, his or her insurance company shall*
36 *be reimbursed for any and all payments made to that person or*
37 *that person's beneficiaries resulting from the mountain lion*
38 *attack.*

39 *(f) For the purposes of this section, the following definitions*
40 *apply:*

1 (1) "Small domestic pet" means ____.

2 (2) "Large domestic pet" means ____.

3 (3) "Commercial animal" means ____.

4 SEC. 4. Section 4801.2 is added to the Fish and Game Code,
5 to read:

6 4801.2. (a) The department shall request the University of
7 California to perform both of the following:

8 (1) Conduct a study to determine all of the following:

9 (A) Determine if human encounters with mountain lions are
10 increasing in California.

11 (B) Determine if wardens of the department are responding to
12 more mountain lion attacks on humans, pets, and livestock.

13 (C) Determine the current estimate of the state mountain lion
14 population.

15 (D) Determine how mountain lions in the state may sustain
16 their open spaces before the population endangers mountain
17 lions, people, and businesses.

18 (E) Determine the changes needed to current law to reduce
19 mountain lion encounters, to improve public safety, and to
20 protect businesses while maintaining a healthy mountain lion
21 population.

22 (2) Establish a clearinghouse of information that reports
23 mountain lion attacks on humans, pets, and livestock, for a
24 period of five years.

25 (A) Each county health department shall annually report the
26 number of humans attacked by mountain lions to the University
27 of California.

28 (B) The State Department of Health Services shall annually
29 report the number of domestic pets attacked by mountain lions to
30 the University of California.

31 (C) Each county agriculture commissioner shall annually
32 report the number of livestock attacked by mountain lions to the
33 University of California.

34 (3) The department shall request the University of California
35 to submit a report to the Legislature on or before January 1,
36 2011, detailing the information set forth in paragraph (2), and to
37 make that information available to the public.

38 (b) Each county health department, the State Department of
39 Health Services, and each county agriculture commissioner shall
40 be reimbursed by the department for the costs of performing the

1 *functions specified in subparagraphs (A), (B), and (C) of*
2 *paragraph (2) of subdivision (a). Reimbursements shall be paid*
3 *out of the Habitat Conservation Fund, established pursuant to*
4 *Section 2786.*

5 *SEC. 5. Section 4801.3 is added to the Fish and Game Code,*
6 *to read:*

7 *4801.3. The department shall, using Habitat Conservation*
8 *Funds pursuant to paragraph (3) of subdivision (e) of Section*
9 *2787, place a mountain lion warning sign at every common*
10 *public access location where mountain lions are known to have*
11 *existed, and where mountain lions have been spotted. The signs*
12 *shall indicate that the sign was paid for by the California*
13 *Wildlife Protection Act.*

14 *SEC. 6. Section 4801.4 is added to the Fish and Game Code,*
15 *to read:*

16 *4801.4. (a) (1) The department shall issue a permit to take a*
17 *depredating mountain lion if mountain lion tracks are found*
18 *within 200 yards of a residence in which a child under the age of*
19 *15 permanently lives. The warden of the department shall pursue*
20 *or contract to pursue, and take the animal, using the mountain*
21 *lion tracks to identify the specific mountain lion.*

22 *(2) The department shall issue a depredation permit to take a*
23 *mountain lion if mountain lion tracks are found within city limits.*
24 *The warden of the department shall pursue or contract to pursue,*
25 *and take the animal, using the mountain lion tracks to identify*
26 *the specific mountain lion.*

27 *(3) The department shall issue a depredation permit to take a*
28 *mountain lion if mountain lion tracks are found within 400 yards*
29 *of a school. The warden of the department shall pursue or*
30 *contract to pursue, and take the animal, using the mountain lion*
31 *tracks to identify the specific mountain lion.*

32 *(b) A depredation permit issued pursuant to this section shall*
33 *expire 30 days after issuance and shall limit the pursuit of the*
34 *mountain lion to within a 10-mile radius of any reported*
35 *mountain lion track.*

36 *(c) The costs of retaining a tracker to track and kill a*
37 *mountain lion pursuant to this section shall be paid by the*
38 *department from funds in the Habitat Conservation Fund,*
39 *pursuant to paragraph (4) of subdivision (e) of Section 2787.*

SEC. 7. Section 8 of the California Wildlife Protection Act of 1990, as added by Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, is amended to read:

Sec. 8. Except for amendments of subdivisions (c) and (g) of Section 2787 and subdivision (d) of Section 2796 of the Fish and Game Code to extend the operative effect of those sections and amendments of Section 3950.1 and Chapter 10 (commencing with Section 4800) of Part 3 of Division 4 of the Fish and Game Code, which may be enacted by statute enacted by the Legislature, this act shall be amended only by a statute approved by a vote of four-fifths of the members of both houses of the Legislature.

Except for amendments of Section 3950.1 and Chapter 10 (commencing with Section 4800) of Part 3 of Division 4 of the Fish and Game Code, any amendment of this act shall be consistent with, and further the purposes of, this act, except the Legislature shall not ~~reallocate the funds allocated by Sections 2787 and 2788 of the Fish and Game Code,~~ change the expenditure requirements of Section 2791 of the Fish and Game Code, or change the transfers of funds required by Sections 2795 and 2796 of the Fish Game Code.

SEC. 8. The Legislature finds that there is no mandate contained in this act that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~4800. (a) The mountain lion (genus Felis) is a specially protected mammal under the laws of this state.~~

~~(b) It is unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof, except as specifically provided in this chapter or in Chapter 2 (commencing with Section 2116) of Division 3. This chapter does not prohibit the sale or possession of any mountain lion or any part or product thereof, if either of the following apply:~~

~~(1) The owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990.~~

~~(2) The owner can demonstrate that the mountain lion, or any part or product thereof, was taken in accordance with Section 4810.~~

~~(e) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment. An individual is not guilty of a violation of this section if it is demonstrated that, in taking or injuring a mountain lion, the individual was acting in self-defense or in defense of others.~~

~~(d) Section 219 does not apply to this chapter. Neither the commission nor the department shall adopt any regulation that conflicts with or supersedes any of the provisions of this chapter.~~

~~SEC. 2. Section 4810 is added to the Fish and Game Code, to read:~~

~~4810. (a) The department shall annually conduct a statewide lottery for the issuance of 116 mountain lion license tags for the hunting and killing of mountain lions. The license tags shall be issued to 116 individuals who have applied to participate in the lottery and meet the eligibility requirements of subdivision (b). Each tag shall expire one year after the date of issuance.~~

~~(b) Any resident of this state, 12 years of age or over, who possesses a valid hunting license, may apply to participate in the lottery prescribed in subdivision (a).~~

~~(c) The holder of a mountain lion license tag shall carry the tag while hunting mountain lions and, upon the killing of any mountain lion, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the ear of the mountain lion and kept attached during the open season and for 15 days thereafter. The other part of the tag shall be immediately sent to the department.~~

~~(d) The holder of a mountain lion license tag may use no more than three dogs for the hunting of mountain lions during the open season.~~

~~(e) The open season for the hunting of mountain lions shall be all year.~~

~~(f) The commission shall establish, by regulation, mountain lion hunting zones throughout California and the number of license tags to be issued for each zone. The commission shall prohibit the taking of mountain lion cubs and female mountain~~

1 lions accompanied by mountain lion cubs, and shall determine,
2 by regulation, the definition of a mountain lion cub for purposes
3 of this prohibition.

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